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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,952	07/14/2003	Morgan D. Murphy	DP-309769	6410
22851	7590	02/12/2007		
DELPHI TECHNOLOGIES, INC.			EXAMINER	
M/C 480-410-202			TO, TUAN C	
PO BOX 5052				
TROY, MI 48007			ART UNIT	PAPER NUMBER
			3663	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/618,952

Applicant(s)

MURPHY, MORGAN D.

Examiner

Tuan C. To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 6 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/20/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kajiyama (US 6841741B2) and in view of Aoki et al. (US 6774319B2).

With respect to claim 1, Kajiyama discloses an apparatus for estimating the weight of an occupant of a vehicle seat supposed by a floor bracket as claimed. Murphy discloses a sensor portion (51) shown in figure 1 for detecting load applied from the rail bracket to the base frame, and that the force transfer mechanism interposed between front and rear rail brackets located near front and rear seat rail located between the seat bracket and the sensor portion (51) (Kajiyama, column 1, lines 54-67; column 2, lines 1-15; column 7, lines 56-67).

The force transfer mechanism also includes first and second co-joined lever arms 66 that is coupled to a floor bracket and a mounting bracket (Kajiyama, figure 3), where said lever arms terminate in first and second jaws (Kajiyama, figure 3, 66A) that engage

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said force sensor (51), in which the second lever arm is fixed to the base frame and the first lever arm is pivoted (Kajiyama, column 7, lines 5-12). The first and second level arms terminates at the jaws 66A, wherein the first and second level arms are interconnected at an active joint which is near the jaws and a passive joint which is the behind the ridge portion (61a) (Kajiyama, figure 3).

Kajiyama does disclose that occupant weight applied to said seat produces movement of said lever arms that increases said engagement force to the sensor portion (51) but Kajiyama is missing to disclose that said force sensor produces an output signal indicative of said occupant weight.

Aoki et al has been cited to overcome the missing features from Kajiyama. In Aoki et al, there is included a load sensor, and also included a teaching of force sensor produces an output signal indicative of the occupant weight (Aoki, abstract; figure 1).

Hence It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Kajiyama to include the teachings of Aoki et al. so that the safety devices presented in the vehicle are properly activated whether the occupant on the seat is an adult or a child.

Allowable Subject Matter

Claims 5 and 6 are allowable.

Response to Arguments

Applicant's arguments filed 11/20/2006 have been fully considered but they are not persuasive. The applicant argued in the response by the following: "neither Kajiyama nor Aoki et al. et al. describe or suggest the use of active and passive joints

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between a pair of lever arms as now claimed". Kajiyama reference discloses such the features. For example, in figure 3, the first and second lever arms (66) are interconnected at an active joint which is near the arms, and a passive joint which is behind the ridge portion (61a), wherein said passive joint limits relative displacement therebetween. For that reason, the rejection of claim 1 is still proper.

Conclusions

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tc

February 8, 2007


JACK KEITH
SUPERVISOR, PATENT EXAMINER